

Popular Threads on Solosez

Help Me Say This Tactfully...

How do I explain to a client why I can't represent them when they've told me, in their first communication, 1) we've been sued, 2) we have to respond soon, 3) we can't pay you, 4) can't you just tell us how to do it ourselves and we might pay you a minimal fee? I mean, aside from the whole "I went to school for a reason and it was NOT for this," what are some of the reasons you give when a client asks for free representation like this?

Oh, I'm sorry, they manufacture furniture, so I could barter for the weird stuff they had in Beetlejuice. TBNT (thanks but no thanks).

Dear Mr Broke,

Thank you for contacting me about your issue concerning X. I appreciate your consideration.

Unfortunately, I am unable to take your case. A law firm is a business, and I have to take clients who can afford to pay my fees so that I am able to stay in business. I cannot afford to give away my services for free. Additionally, for insurance reasons, I cannot just tell you how to do it yourselves.

You may want to seek legal assistance from the Las Vegas County legal assistance office, telephone number 555-123-4567. Another source is the Las Vegas County Bar Association Legal Referral Service at 555-987-6543.

I wish you well.

Sincerely,

GM

Or something like that.

Barry Kaufman, Florida

Nice job, Barry. I hope you don't mind that I am saving it for future use!

Marian Palma Cardona, Missouri

Thank you for expressing an interest in my legal services. I am afraid that I am unable to represent you. Best of luck.

Wendell Finner, Florida

I don't believe tact is required. I believe honesty is required. You look them in the eye (or tell them over the telephone) that you cannot represent them because they cannot pay you. No real need to go beyond that at all. Best thing is: they already know the answer is coming. It is up to you to say the words.

Richard D. Greer, Alabama

I inform prospects that I require X number of dollars. When they reply that they don't have the money I refer them to a local legal charity and sincerely wish them luck. QED.

Peter Wizenberg, Florida

That's perfect! Thanks!!!

Simply tell them there's a conflict of interest, so you can't represent them.

You're interested in being paid for your work. They're interested in getting legal services for free.

That's a conflict if ever there was one.

Richard J. Rutledge, North Carolina

Watch this video and then respond (or send them a copy)

<http://tinyurl.com/mgfwd7>

great video from YouTube.

Ted A. Waggoner, Indiana

I am saving this for future reference. Much better than my usual analogy of the grocery store won't let you have a loaf of bread for free because you just want to make one sandwich.

Elizabeth Pugliese, Maryland

"Lawyers can be expensive, but not having one when you need one is potentially FAR more costly."

Phillip J. Laurin

Go Wendall's way. Any explanation will just create "hooks" that will either extend the discussion --WORSE may stab you later.

Don't create a tar baby.

John Page, Florida

Well done! Thanks for passing it on. I've posted it to [Asiabizblog](#) and will Tweet it as well.
Very truly yours,

Richard Kuslan, Connecticut

Ass, grass or cash, nobody rides for free

Steven O'Donnell, Pennsylvania

That is absolutely hilarious. There are times I would love to have that playing in my waiting room.

Michael L. Pisauro, Jr., New Jersey

I tell people that Abraham Lincoln said that, as a lawyer, the only thing he had that was of any value was his time, and his knowledge. Then I say that if I just give those things away, then I'm devaluing myself and I'm just not willing to do that.

But I've often wondered why I should be tactful in this situation. Because you know if you took the case, accepted whatever pitiful amount they're willing to pay, they'd act as if they were doing you a favor. And complain. And treat you like crap. And eventually file a bar complaint against you if you can't win their cruddy case. Not worth it.

Russell D. Gray, Utah

That video is classic. Especially at the end when they ask the chef to show them how to do it themselves. I get people asking how to prepare immigration applications themselves all the time.

Sometimes I tell people that I can't give detailed explanations of things for free because it is not fair to the people who pay me for that service.

Elaine Martin, Texas

It would be even funnier if it weren't so true but, damn, I'm going to show this video the next time someone wants to negotiate my contingency fee (i.e., where I front all of the legal time and costs).

Lowell Steiger, California

I have this problem all the time...people come to consultations wanting me to tell them what to do or help fill out an application or review an application they have filled out (this really annoys me)...of course, this is not what a consultation is about. So, one of the things I always tell people is that I cannot tell them what to do in a case or help them fill out an application if they are not my client and I am not handling the entire case because it exposes me to liability and makes me responsible for their mistakes or for their misunderstanding what I said --"But, the attorney told me to do it this way", "But the attorney reviewed the application and said it was fine"....also, they could construe it as an attorney-client relationship, which it is not, and then you are on the hook.

A great example of this came up when a PC wanted me to review a naturalization application he filled out for his father. I, of course, gave him my "liability" speech, and thank God I did....a little while later, he shows up in my office with a Notice of Intent to Deny the case because the spellings of his siblings names did not match their birth certificates and because some of the dates did not match the birth certificates either....if I had reviewed that application and said it was "fine", he would have blamed me..."But you reviewed it and said it was okay".

Good luck!

Christine M. Sarapu, Washington, DC

That should be a bumper sticker!

Stephen L. Hoffman, Illinois

To be completely insensitive and bluntly to the point: I am not doing this as a hobby, it's how I make a living. I don't work for free.

Kevin P. Camden, Illinois

I think I am going to use that as a tag line in my email signatures and maybe even in advertisements. Can I use that?!?

Micah G. Guilfoil, Kentucky

I tell potential clients that on the phone all the time. I weave it into the conversation so that it's hjust part of what we're talking about. I usually get acknowledgement and we move on. Occasionally I have someone stop the conversation because they thought the consultation was free; and that's the last I hear from them. I'm done working for free...

Barry Kaufman, Florida

That video is great. I find that the whole key is having good personal boundaries. I just started my own family law practice in February, after 22 years of practicing law. Frankly, I could not have done this job 10 years ago, because I didn't even know what a boundary was. Now I understand that boundaries are not ultimatums, threats, or a means of controlling others. They're simply me having a clear idea of how I will respond to certain situations.

So now, when someone asks me if I will work for free, or if I take "pro bono" cases, I say, "Yes, I take pro bono cases through Legal Services of North Texas. Here's how to contact them." This statement is 100% true. I take one or two pro bono cases at a time, and they are pre-screened through Legal Aid.

If someone says, "I can't afford to pay you now; can you start and bill me?" I say, simply, "No, I can't." "No" is a complete sentence, and it doesn't require any more explanation than that. I have been through divorce myself; I had to borrow from family and live on credit cards for a time. I have three children to support, and I would not be living up to my responsibility to them if I worked for nothing. So I don't feel bad at all telling crying women that I accept Visa and Mastercard if that will help.

If I do decide to work for someone who says "I can't pay a retainer; can you bill me and I'll pay later?" I do so with the understanding that I may not get paid. I usually do it because I think it's an interesting case that I will learn from. Then I have no reason to get resentful if they don't pay the bill, because I knowingly made the choice to perform the work before payment was made.

Melanie K. Morgan, Texas

One of the most important things about this thread that I have not seen. As a solo practitioner, unless you are doing contingent fee work, you should probably make sure that people know your fees up front, especially in Family Law. Hearing a whole tale of woe may well start you down the path of emotional involvement. In other words, they get you hooked and then they try to wriggle out from under your fee because you feel sorry for them. If they know what your fees are before they come into your office, chances are much higher that those who cannot afford your rates will not come in, saving both you and them time.

Sure, you might get a drop off in appointments, but 9 out of 10 of those appointments would not have hired you in the first place.

Just a thought,

Frank J. Kautz, II, Massachusetts